

AMENDED IN SENATE JUNE 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1013

Introduced by Assembly Member Quirk

February 26, 2015

An act to amend Sections 25402.1 and 25942 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL’S DIGEST

AB 1013, as amended, Quirk. Energy: public domain computer program: home energy rating.

(1) Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings. Existing law also requires the commission to prescribe, by regulation, energy and water conservation design standards for new residential and new nonresidential buildings. In order to implement these requirements, existing law requires the commission to develop a public domain computer program that enables contractors, builders, architects, engineers, and government officials to estimate energy consumed by residential and nonresidential buildings.

This bill would require the commission to approve and make publicly available, not less than 6 months prior to the effective date of adopted or updated efficiency standards, a version of the public domain computer program that will function properly with these adopted or updated standards. The bill would require the commission, before approving the public domain computer program for use with adopted or updated

standards, to perform preliminary tests of the public domain computer program using common examples of residential and nonresidential buildings and building systems to ensure the usability of the program. The bill would require the commission to make the results of those preliminary tests publicly available.

(2) Existing law requires the commission to establish criteria for adopting a statewide home energy rating program for residential dwellings.

For existing single-family residential dwellings and multifamily residential dwellings with up to 4 units, this bill would require the commission, in administering the statewide home energy rating program, to ensure that energy assessment tools ~~used~~ *approved* by the commission are routinely adjusted to improve modeling accuracy and to ensure that consumers receive a notice with the output of the energy assessment tools explaining the assumptions used in the energy assessment tools and how they may differ from actual usage patterns.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25402.1 of the Public Resources Code
- 2 is amended to read:
- 3 25402.1. In order to implement the requirements of subdivisions
- 4 (a) and (b) of Section 25402, all of the following shall apply:
- 5 (a) The commission shall develop a public domain computer
- 6 program that will enable contractors, builders, architects, engineers,
- 7 and government officials to estimate the energy consumed by
- 8 residential and nonresidential buildings. The commission may
- 9 charge a fee for the use of the program, which shall be based upon
- 10 the actual cost of the program, including any computer costs.
- 11 (b) The commission shall establish a formal process for
- 12 certification of compliance options for new products, materials,
- 13 and calculation methods that provides for adequate technical and
- 14 public review to ensure accurate, equitable, and timely evaluation
- 15 of certification applications. Proponents filing applications for new
- 16 products, materials, and calculation methods shall provide all
- 17 information needed to evaluate the application that is required by
- 18 the commission. The commission shall publish annually the results
- 19 of its certification decisions and instructions to users and local

1 building officials concerning requirements for showing compliance
2 with the building standards for new products, materials, or
3 calculation methods. The commission may charge and collect a
4 reasonable fee from applicants to cover the costs under this
5 subdivision. Any funds received by the commission for purposes
6 of this subdivision shall be deposited in the Energy Resources
7 Programs Account and, notwithstanding Section 13340 of the
8 Government Code, are continuously appropriated to the
9 commission for the purposes of this subdivision. Any
10 unencumbered portion of funds collected as a fee for an application
11 remaining in the Energy Resources Programs Account after
12 completion of the certification process for that application shall
13 be returned to the applicant within a reasonable period of time.

14 (c) The commission shall include a prescriptive method of
15 complying with the standards, including design aids such as a
16 manual, sample calculations, and model structural designs.

17 (d) The commission shall conduct a pilot project of field testing
18 of actual residential buildings to calibrate and identify potential
19 needed changes in the modeling assumptions to increase the
20 accuracy of the public domain computer program specified in
21 subdivision (a) and to evaluate the impacts of the standards,
22 including, but not limited to, the energy savings, cost-effectiveness,
23 and the effects on indoor air quality. The pilot project shall be
24 conducted pursuant to a contract entered into by the commission.
25 The commission shall consult with the participants designated
26 pursuant to Section 9202 of the Public Utilities Code, as that
27 section read on December 31, 2003, to seek funding and support
28 for field monitoring in each public utility service territory, with
29 the University of California to take advantage of its extensive
30 building monitoring expertise, and with the California Building
31 Industry Association to coordinate the involvement of builders
32 and developers throughout the state. The pilot project shall include
33 periodic public workshops to develop plans and review progress.
34 The commission shall prepare and submit a report to the Legislature
35 on progress and initial findings not later than December 31, 1988,
36 and a final report on the results of the pilot project on residential
37 buildings not later than June 30, 1990. The report shall include
38 recommendations regarding the need and feasibility of conducting
39 further monitoring of actual residential and nonresidential
40 buildings. The report shall also identify any revisions to the public

1 domain computer program and energy conservation standards if
2 the pilot project determines that revisions are appropriate.

3 (e) The commission shall certify, not later than 180 days after
4 approval of the standards by the State Building Standards
5 Commission, an energy conservation manual for use by designers,
6 builders, and contractors of residential and nonresidential buildings.
7 The manual shall be furnished upon request at a price sufficient
8 to cover the costs of production and shall be distributed at no cost
9 to all affected local agencies. The manual shall contain, but not be
10 limited to, the following:

11 (1) The standards for energy conservation established by the
12 commission.

13 (2) Forms, charts, tables, and other data to assist designers and
14 builders in meeting the standards.

15 (3) Design suggestions for meeting or exceeding the standards.

16 (4) Any other information which the commission finds will
17 assist persons in conforming to the standards.

18 (5) Instructions for use of the computer program for calculating
19 energy consumption in residential and nonresidential buildings.

20 (6) The prescriptive method for use as an alternative to the
21 computer program.

22 (f) The commission shall approve and make publicly available,
23 not less than six months prior to the effective date of adopted or
24 updated standards, a version of the public domain computer
25 program developed pursuant to subdivision (a) that will function
26 properly with those adopted on updated standards. Before
27 approving the public domain computer program for use with
28 adopted or updated standards, the commission shall do both of the
29 following:

30 (1) Perform preliminary tests of the public domain computer
31 program using common examples of residential and nonresidential
32 buildings and building systems to ensure the usability of the public
33 domain computer program by users of the program, including, but
34 not limited to, architects, builders, contractors, and local code
35 enforcement personnel.

36 (2) Make the results of the preliminary tests publicly available.

37 (g) The commission shall establish a continuing program of
38 technical assistance to local building departments in the
39 enforcement of subdivisions (a) and (b) of Section 25402 and this
40 section. The program shall include the training of local officials

1 in building technology and enforcement procedures related to
2 energy conservation, and the development of complementary
3 training programs conducted by local governments, educational
4 institutions, and other public or private entities. The technical
5 assistance program shall include the preparation and publication
6 of forms and procedures for local building departments in
7 performing the review of building plans and specifications. The
8 commission shall provide, on a contract basis, a review of building
9 plans and specifications submitted by a local building department,
10 and shall adopt a schedule of fees sufficient to repay the cost of
11 those services.

12 (h) Subdivisions (a) and (b) of Section 25402 and this section,
13 and the rules and regulations of the commission adopted pursuant
14 to those provisions, shall be enforced by the building department
15 of every city, county, or city and county.

16 (1) A building permit for a residential or nonresidential building
17 shall not be issued by a local building department, unless a review
18 by the building department of the plans for the proposed residential
19 or nonresidential building contains detailed energy system
20 specifications and confirms that the building satisfies the minimum
21 standards established pursuant to subdivision (a) or (b) of Section
22 25402 and this section applicable to the building.

23 (2) Where there is no local building department, the commission
24 shall enforce subdivisions (a) and (b) of Section 25402 and this
25 section.

26 (3) If a local building department fails to enforce subdivisions
27 (a) and (b) of Section 25402 and this section or any other provision
28 of this chapter or standard adopted pursuant thereto, the
29 commission may provide enforcement after furnishing 10 days'
30 written notice to the local building department.

31 (4) A city, county, or city and county may, by ordinance or
32 resolution, prescribe a schedule of fees sufficient to pay the costs
33 incurred in the enforcement of subdivisions (a) and (b) of Section
34 25402 and this section. The commission may establish a schedule
35 of fees sufficient to pay the costs incurred by that enforcement.

36 (5) The construction of a state building shall not commence
37 until the Department of General Services or the state agency that
38 otherwise has jurisdiction over the property reviews the plans for
39 the proposed building and certifies that the plans satisfy the
40 minimum standards established pursuant to Chapter 2.8

(commencing with Section 15814.30) of Part 10b of Division 3 of Title 2 of the Government Code, subdivision (a) or (b) of Section 25402, and this section that are applicable to the building.

(i) Subdivisions (a) and (b) of Section 25402 and this section shall apply only to new residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to those provisions that are applicable to those buildings. Those sections shall not prohibit either of the following:

(1) The enforcement of state or local energy conservation or energy insulation standards, adopted prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section with regard to residential and nonresidential buildings on which actual site preparation and construction have commenced prior to that date.

(2) The enforcement of city or county energy conservation or energy insulation standards, whenever adopted, with regard to residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section, if the city or county files the basis of its determination that the standards are cost effective with the commission and the commission finds that the standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to those sections. If, after two or more years after the filing with the commission of the determination that those standards are cost effective, there has been a substantial change in the factual circumstances affecting the determination, upon application by any interested party, the city or county shall update and file a new basis of its determination that the standards are cost effective. The determination that the standards are cost effective shall be adopted by the governing body of the city or county at a public meeting. If, at the meeting on the matter, the governing body determines that the standards are no longer cost effective, the standards shall, as of that date, be unenforceable and no building permit or other entitlement shall be denied based on the noncompliance with the standards.

(j) The commission may exempt from the requirements of this section and of any regulations adopted pursuant to this section any

1 proposed building for which compliance would be impossible
2 without substantial delays and increases in cost of construction, if
3 the commission finds that substantial funds have been expended
4 in good faith on planning, designing, architecture, or engineering
5 prior to the date of adoption of the regulations.

6 (k) If a dispute arises between an applicant for a building permit,
7 or the state pursuant to paragraph (5) of subdivision (h), and the
8 building department regarding interpretation of Section 25402 or
9 the regulations adopted pursuant thereto, either party may submit
10 the dispute to the commission for resolution. The commission's
11 determination of the matter shall be binding on the parties.

12 (l) Nothing in Section 25130, 25131, or 25402, or in this section
13 prevents enforcement of any regulation adopted pursuant to this
14 chapter, or Chapter 11.5 (commencing with Section 19878) of Part
15 3 of Division 13 of the Health and Safety Code as they existed
16 prior to September 16, 1977.

17 SEC. 2. Section 25942 of the Public Resources Code is
18 amended to read:

19 25942. (a) The commission shall establish criteria for adopting
20 a statewide home energy rating program for residential dwellings.
21 The program criteria shall include, but are not limited to, all of the
22 following elements:

23 (1) Consistent, accurate, and uniform ratings based on a single
24 statewide rating scale.

25 (2) Reasonable estimates of potential utility bill savings, and
26 reliable recommendations on cost-effective measures to improve
27 energy efficiency.

28 (3) Training and certification procedures for home raters and
29 quality assurance procedures to promote accurate ratings and to
30 protect consumers.

31 (4) In coordination with home energy rating service organization
32 databases, procedures to establish a centralized, publicly accessible,
33 database that includes a uniform reporting system for information
34 on residential dwellings, excluding proprietary information, needed
35 to facilitate the program. There shall be no public access to
36 information in the database concerning specific dwellings without
37 the owner's or occupant's permission.

38 (5) Labeling procedures that will meet the needs of home buyers,
39 homeowners, renters, the real estate industry, and mortgage lenders
40 with an interest in home energy ratings.

1 (b) The commission shall adopt the program pursuant to
2 subdivision (a) in consultation with representatives of the Bureau
3 of Real Estate, the Department of Housing and Community
4 Development, the Public Utilities Commission, investor-owned
5 and municipal utilities, cities and counties, real estate licensees,
6 home builders, mortgage lenders, home appraisers and inspectors,
7 home energy rating organizations, contractors who provide home
8 energy services, consumer groups, and environmental groups.

9 (c) Home energy rating services shall not be performed in this
10 state unless the services have been certified, if such a certification
11 program is available, by the commission to be in compliance with
12 the program criteria specified in subdivision (a) and, in addition,
13 are in conformity with any other applicable element of the program.

14 (d) The commission shall consult with the agencies and
15 organizations described in subdivision (b), to facilitate a public
16 information program to inform homeowners, rental property
17 owners, renters, sellers, and others of the existence of the statewide
18 home energy rating program adopted by the commission.

19 (e) The commission shall, as part of the biennial report prepared
20 pursuant to Section 25302, report on the progress made to
21 implement a statewide home energy rating program. The report
22 shall include an evaluation of the energy savings attributable to
23 the program, and a recommendation concerning which means and
24 methods will be most efficient and cost-effective to induce home
25 energy ratings for residential dwellings.

26 (f) For existing single-family residential dwellings and
27 multifamily residential dwellings with up to four units, the
28 commission shall do both of the following in administering the
29 statewide home energy rating program:

30 (1) Ensure energy assessment tools—~~used~~ *approved* by the
31 commission are routinely adjusted to improve modeling accuracy.

32 (2) Ensure that consumers receive a notice with the output of
33 the energy assessment tools explaining the assumptions used in
34 the energy assessment tools and how they may differ from actual
35 usage patterns.